

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MARIA ZAMORA,

Plaintiff,

v.

**ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,**

Defendant.

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CIVIL ACTION NO. _____

DEFENDANT ALLSTATE'S NOTICE OF REMOVAL

Defendant Allstate Fire and Casualty Insurance Company ("Allstate") files this its notice of removal:

On 8/6/2015, Plaintiff filed this lawsuit in Denton County, Texas, naming Allstate as defendant. The lawsuit is styled: Cause No.15-06670-211; *Maria Zamora, v. Allstate Fire And Casualty Insurance Company*; In The District Court Of Denton County, Texas, 211th Judicial District.

Plaintiff served Allstate with a copy of the Petition on or about 8/24/2015.

Defendant files this notice of removal within 30 days of receiving Plaintiff's Original Petition. *See* 28 U.S.C. §1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *See id.*

All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a) and LR 81. All such documents are fully incorporated herein by reference and as if fully set forth herein. Attached hereto as Exhibit "A" is a copy of the state court docket sheet. Attached as Exhibit "B" is a copy of all pleadings that

assert causes of action. Attached as Exhibit “C” is Allstate’s answer and a copy of all process and orders served upon the party removing the case to this court as required by 28 U.S.C. § 1446(a). Attached as Exhibit “D” is a complete list of attorneys involved in the action being removed, including each attorney’s bar number, address, telephone number, and party or parties represented by him/her. Attached as Exhibit “E” is a list of the parties to the case, status of the case, jury demand and state court information.

A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiff.

Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Denton County, Texas, the place where the removed action has been pending.

BASIS FOR REMOVAL

A. Diversity of Citizenship

Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a), 1441(a) and 1446.

Plaintiff is, and was at the time the lawsuit was filed, a resident of Texas. *See* Ex. B, Plaintiff’s Original Petition, ¶ 3.

Defendant Allstate Fire and Casualty Insurance Company is an Illinois corporation with its principal place of business in Illinois and is a citizen of the State of Illinois for diversity purposes.

B. Amount in Controversy

This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff alleges that Defendant is liable under a residential insurance policy because Plaintiff made a claim under that policy and Defendant wrongfully adjusted and denied Plaintiff’s claim.

Specifically, but without limitation, Plaintiff alleges that Defendant Allstate breached the insurance contract number 936965285 for the Loss Location at 9204 Rustown Drive, Dallas, TX 75228, the property giving rise to the present dispute. Plaintiff states in her Original Petition that she “seeks monetary relief over \$100,000.00 but not more than \$200,000.00”.¹ Thus, the amount in controversy threshold is met.

Accordingly, all requirements are met for removal under 28 U.S.C. §§ 1332 and 1441.

CONCLUSION AND PRAYER

Defendant Allstate hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Roger D. Higgins

Roger D. Higgins

State Bar No. 09601500

Chris Gabriel

State Bar No. 24074237

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**ATTORNEYS FOR DEFENDANT
ALLSTATE TEXAS LLOYDS**

¹ See Ex. D, Plaintiffs Original Petition, ¶ 70.
Notice of Removal
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03645.481

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by electronic notice and/or facsimile to the following counsel on September 23, 2015:

Bill L. Voss
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/s/ Roger D. Higgins

Roger D. Higgins